UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,285	11/28/2000	Rudy G. Bonefas	003636.0096	5470

7590 09/13/2007

Manelli Denison & Selter PLLC
Attn: William H. Bollman, Esq.
2000 M Street, N.W.
Suite 700
Washington, DC 20016

EXAMINER	
BATES, KEVIN T	

ART UNIT	PAPER NUMBER
2155	

MAIL DATE	DELIVERY MODE
09/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/723,285
Filing Date: November 28, 2000
Appellant(s): BONEFAS ET AL.

William H. Bollman
Reg. No. 36,457
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 20, 2007 appealing from the Office action mailed March 17, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6823173	Kung et al.	11-2004
6683870	Archer	1-2004

6138158	Boyle et al.	10-2000
6507589	Ramasubramani et al.	1-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-6, 9, 12-13, 23-24, 29, 36-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Kung (6826173)

Regarding claims 1, 37, and 49, Kung teaches a method of sending an alert to selected clients devices in a communications system including a server adapted to run a server application (Figure 2, element 220), a message router communicating with the server (Column 12, lines 44 – 50), a plurality of protocol gateways communicating with the message routers (Figure 2, elements 230-240), and a network adapted to couple the server and the protocol gateways to client devices (Figure 1, elements 102, 140-146) comprising:

generating said alert with said server application (Column 35, lines 12 – 17), said alert including customer information (Column 2, lines 26 – 40);

sending said alert to said message router; retrieving a station ID of said client device from said customer information previously stored within said message router (Column 7, lines 62 – 67, where the preference data is the user specified information on where the user wants the call to do, and the terminal configuration data is information about the devices connected to the broadband residential gateway and specify which

device can receive which type of call, and Column 13, lines 15 – 24, where the preference data is stored previously on a database obtained easy by the router (Call manager));

determining a communication type of said client device based on said station ID; selecting one or more of said plurality of protocol gateways based on said communication type;

and forwarding said alert to said selected one or more of said plurality of protocol gateways;

formatting said alert with said protocol gateway for said selected client device; and forwarding said formatted alert via said network to said selected client device (Column 8, lines 8 – 17, where the gateways are between the central server and the broadband residential gateways and are used to ensure the correct format of the communications and alerts).

Regarding claims 2, 38, and 50, Kung teaches that said customer information includes at least one of a customer ID and a port number (Column 2, lines 35 – 37, where the user is identified and Column 9, lines 14 – 19, where the port is specified based on the device to be messaged).

Regarding claims 3 and 39, Kung teaches searching a user table to obtain said station ID associated with said customer ID (Figure 8a and Figure 8b).

Regarding claims 4, 40, and 51, Kung teaches that step d) further comprises searching a local cache of said message router for said station ID associated with said

customer ID (Column 12, lines 44 – 46, where the local cache can contain subscriber information for frequently used subscriber information).

Regarding claims 5 and 41, Kung teaches that step d) further comprises searching a local cache of said message router (Column 12, lines 44 – 46, where the local cache can contain subscriber information for frequently used subscriber information) and a device table for a first device (Figure 8a and Figure 8b) associated with said customer ID when both said customer ID and port number are provided (Column 2, lines 35 – 37, where the user is identified and Column 9, lines 14 – 19, where the port is specified based on the device to be messaged).

Regarding claims 6 and 42, Kung teaches that returning an inactive customer message to said server if no station ID is retrieved (Column 35, lines 51 – 55).

Regarding claims 9 and 45, Kung teaches that said alert includes at least one of an alert message, a compression flag, an encryption flag, and an acknowledgement flag (Column 35, lines 15 – 16, a reminder alert message).

Regarding claims 12 and 48, Kung teaches that said customer information is a client information object (Column 2, lines 26 – 40).

Regarding claim 13, Kung teaches that said client information object includes a customer ID (Column 2, lines 35 – 37, where the user is identified) and a device ID (Column 9, lines 14 – 19, where the port is specified based on the device to be messaged).

Regarding claims 23 and 52, Kung teaches a method of sending alerts to client devices, comprising:

generating said alert at a server (Column 35, lines 12 – 17), said alert including a customer ID and a device ID (Column 2, lines 35 – 37, where the user is identified and Column 9, lines 14 – 19, where the port is specified based on the device to be messaged);

forwarding said alert to a message router;

locating with said message router one or more station IDs from at least one of said customer ID and device ID previously stored within said message router (Column 7, lines 62 – 67, where the preference data is the user specified information on where the user wants the call to do, and the terminal configuration data is information about the devices connected to the broadband residential gateway and specify which device can receive which type of call, and Column 13, lines 15 – 24, where the preference data is stored previously on a database obtained easy by the router, the call manager);

determining with said message router a communication type associated with each station ID;

forwarding said alert to a protocol gateway associated with said determined communication type; and

transmitting said alert with said protocol gateway over a network to said client devices (Column 8, lines 8 – 17, where the gateways are between the central server and the broadband residential gateways and are used to ensure the correct format of the communications and alerts).

Regarding claims 24 and 53, Kung teaches receiving said alert with a transport layer of an application running on said protocol gateway and sending said alert from

said transport layer to client applications (Column 8, lines 8 – 17, where the gateways are between the central server and the broadband residential gateways and are used to ensure the correct format of the communications and alerts).

Regarding claim 36, Kung teaches formatting said alert for said client device with said protocol gateway (Column 8, lines 8 – 17, where the gateways are between the central server and the broadband residential gateways and are used to ensure the correct format of the communications and alerts).

Regarding claim 29, Kung teaches that said alert comprises at least one of an alert message, a client information object including said customer ID and device ID (Column 2, lines 35 – 37, where the user is identified and Column 9, lines 14 – 19, where the port is specified based on the device to be messaged), message flags, compression flag and an encryption flag.

Claims 14-22 and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung in view of Archer (6683870).

Regarding claims 14 and 31, Kung teaches the method according to claims 13 and 23.

Kung does not explicitly indicate that said alert includes an active device only flag and wherein said device ID can be set to all devices. Archer teaches a messaging system which includes the ability to message a subscriber in multiple ways.

Archer teaches that one of those ways is to send the message to the device that can be considered active (Column 3, lines 56 – 62). Another one of those ways is to

send a message to all the devices that the subscriber has to his account (Column 4, lines 43 – 57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Archer's teachings of adding features to Kung's system in order to be able to get the message to the user the quickest way possible, which could be alerting the active device of the user or alerting all the devices of the user (Column 3, lines 56 – 62; Column 10, lines 1 – 10).

Regarding claim 15, Kung in combination with Archer teaches that if the active device only flag is set and the device ID is specified, searching a local cache of the message router for the station ID because if you are looking for the device that the user is most likely to be found at (Archer, Column 3, lines 56 – 62).

Regarding claim 16, Kung teaches that if the station ID is not located in the local cache, searching a user table for the station ID (Column 12, lines 44 – 46, where the local cache can contain subscriber information for frequently used subscriber information and that the user table is the standard place to find the user information to format and send messages Figure 8a and 8b).

Regarding claim 17, Kung in combination with Archer teaches that if the active device only flag is set and the device ID is set to all devices, searching only the user table for active client devices associated with the customer ID (Archer, Column 6, lines 54 – 62).

Regarding claim 18, Kung in combination with Archer that if the active device only flag is not set and the device ID is specified, searching a local cache of the

message router for the station ID (Archer, Column 6, lines 54 – 62; Kung, Column 12, lines 44 – 46, where the local cache can contain subscriber information for frequently used subscriber information).

Regarding claim 30, Kung in combination with Archer teaches that the messages flags specify at least one of: whether the server requires an acknowledgement message; whether the alert should be sent only if the client device is currently active (Archer, Column 3, lines 56 – 62); and whether the protocol gateway should only attempt message delivery once.

Regarding claim 32, Kung in combination with Archer teaches that the locating step comprises: if the active device only flag is set and the device ID is specified, searching a local cache of the message router for the station ID (Column 12, lines 44 – 46, where the local cache can contain subscriber information for frequently used subscriber information) because if you are looking for the device that the user is most likely to be found at (Archer, Column 3, lines 56 – 62), the address in local cache, which also happens to be the most recently used device; if the active device only flag is set and the device ID is set to all devices, searching only a user table for active client devices associated with the customer ID (Archer, Column 6, lines 54 – 62); if the active device only flag is not: set and the device ID is specified, searching a local cache of the message router for the station ID (Column 12, lines 44 – 46, where the local cache can contain subscriber information for frequently used subscriber information); and if the active device only flag is not set and the device ID is set to all devices, searching a

device table for client devices associated with the customer ID (Archer, Column 6, lines 54 – 62).

Regarding claim 19 and 33, Kung teaches that if the station ID is not located in the local cache, searching a device table for the station ID (Column 12, lines 44 – 46, where the local cache can contain subscriber information for frequently used subscriber information and that the user table is the standard place to find the user information to format and send messages Figure 8a and 8b)..

Regarding claim 20, Kung in combination with Archer teaches that if the active only flag is not set and the device ID is set to all devices, searching a device table for client devices associated with the customer ID (Archer, Column 6, lines 54 – 62).

Regarding claim 35, Kung in combination with Archer teaches that if no device is located and the device ID is set to all devices, sending an inactive message to the server, otherwise sending a customer not valid message (Archer, Column 9, lines 48 – 50) because the system uses a database to look up customers and devices and if no customer or no device is found than the source needs to be notified that the request can not be processed.

Regarding claim 21, Kung teaches the Method of claim 1.

Kung does not explicitly indicate providing each station ID retrieved in step c) to the server.

Archer teaches the idea of providing the source of the message with the destination or station ID (Column 7, lines 16 – 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Archer's teaching on Kung's message routing system in order to allow the source and receiving nodes to communication after the first alert so that they don't have to continually use the database to find the address of the destination (Column 7, lines 16 – 21).

Regarding claim 22, Kung in combination with Archer teaches providing each station ID retrieved by the message router to the server, before forwarding the alert to the protocol gateway (Archer, Column 6, lines 60 – 62).

Regarding claim 34, Kung in combination with Archer teaches that if device ID set to all devices, providing each device ID located to server (Archer, Column 6, lines 60 – 62).

Claims 7-8, 25-26, 43-44, and 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung in view of Boyle (6138158).

Regarding claims 7-8, 25-26, 43-44, and 54-55, Kung teaches the method of claims 1, 24, 37, and 53.

Kung does not explicitly indicate segmenting said alert with said selected protocol gateway into message segments before sending said alert over said network and having the client reconstruct the message segments.

Boyle teaches a messaging system (Column 8, line 52 – Column 9, line 2) that includes segmenting messages with said selected protocol gateway into message segments before sending said alert over said network and having the client reconstruct the message segments (Column 13, lines 37 – 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Boyles teaching in Kung's system because some message protocols may only be able to support a maximum message size and Boyles system allows messages longer than the maximum size to be sent.

Claims 10-11, 27-28, and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung in view of Ramasubramani (6507589).

Regarding claims 10-11, 27-28, and 46-47, Kung teaches the method according to claims 1, 23, and 37.

Kung does not explicitly indicate returning an acknowledgment from the client to the protocol gateway and then forwarded to the server.

Ramasubramani teaches a system that includes protocol gateways between clients and server in which acknowledgement messages are forwarded all the way from the client device to the server (Column 8, lines 20 – 35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Ramasubramani's teaching in Kung's messaging system in order to allow the server to know if the alert needs to be resent or if it has been received correctly.

(10) Response to Argument

Regarding claims 1, 23, 37, 49, and 52, the appellant argues that the reference, Kung, does not store any information in the disclosed router including the station ID.

The examiner disagrees:

The question at discussion is what in the reference, Kung, do you refer to as the message router as claimed by the instant invention. The appellant points to Figure 2 of Kung and argues that the message router in Kung is element 210, the central router. This means that, the station ID which is stored in call manager seen in Figure 2, element 218, *see also* Column 7, lines 62 – 67 and Column 13, lines 15 – 24, is not part of the router thus the station ID has not been previously stored in the message router. The examiner disagrees with the appellant's assertion that the central router is the message router in Kung. The examiner's position is that the IP central station (Figure 1, element 200) corresponds to the message router in the claimed invention. As part of the IP central station includes both the central router, the announcement server (for creating and sending the alerts) and the call manager as shown in Column 8, lines 18 – 35. So as shown the applicant in incorrect in trying to separate the features of the IP central station and arguing that the limitations are not met because the steps of the limitations are preformed by the separate pieces, when Kung argues that they are all part of the same distributed IP central station.

Regarding claims 1, 23, 37, 49, and 52, the appellant argues that the reference, Kung, does not retrieve the station ID from the customer information.

The examiner disagrees:

The reference, Kung, teaches the customer information and that the customer information is stored in the call manager, this is shown in Column 7, lines 61 – 65 and Column 13, lines 15 – 28. As part of Kung's customer profile includes a preference for which device or station that the alert or phone call gets forwarded too. This is shown in Figure 8a, where the address is the identifier of the user's station or the station ID. Kung goes into further detail assigning identifiers to the client's station in Column 9, lines 29 – 52, where it shows that the call manager assigns the identifiers from an address pool. Kung teaches the customer profile that includes information detailing caller preference data that tells the IP central station which station should receive the alert or phone call from the network.

Regarding claims 14 and 31, the appellant argues that the combination of Kung and Archer does not teach the idea where the device ID can be set to all devices.

The examiner disagrees:

The reference Kung, only discloses addressing and sending alerts to one device of the client's at once. The reference Archer, as seen in Column 4, lines 43 – 57, teaches the ability to multicast an alert to all the telephones at once until one of the devices are answered. The limitation "wherein said device ID can be set to all devices" is a pretty broad statement. It does not necessarily mean that the device ID is now equal to a value that indicates all devices it only broadly stats that the device ID is set so that the alert goes to all the devices. The reference, Archer teaches a method of

sending the alert to all the device's of the client. In order to be sent towards all the devices each alert that gets multicast must be addressed to a different device of the client, thus making the device ID of all the alerts set in one way of the other towards all the devices.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Kevin Bates

Conferees:

Lynne Browne
Appeal Practice Specialist TQAS
Technology Center 2100

Saleh Najjar

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER